

REMARKS

Claims 1-17 are pending in this application, with Claims 18-22 cancelled and Claims 1 and 16 amended. The Applicants respectfully request reconsideration and review of the application in view of the amendments and the following remarks.

First, Applicants acknowledge with appreciation the indication of allowable subject matter in Claims 4, 5, 14 and 15. In doing so, however, the Examiner objected to Claims 4 and 5 for being dependent upon a rejected base claim (*i.e.*, Claim 1). See Office Action at p. 4. Accordingly, Applicants have amended Claim 1 so that it is now in condition for allowance. See response to rejection of Claim 1 under 35 U.S.C. § 101 below. Therefore, Claims 4, 5, 14 and 15 are now considered to be in condition for allowance.

Second, the Examiner has required restriction of the application to one of the following groups of inventions pursuant to 35 U.S.C. § 121: Group I, including Claims 1-17 and 19-21, drawn to a method and apparatus for expanding the capacity of a fixed digital field by calculating a first and second unique number; and Group II, including Claims 18 and 22, drawn to a method and apparatus for expanding the capacity of a fixed digital field by determining if fill bits have a value other than a designated fill value. See Office Action at p. 2. In response, the Applicants elect without traverse the claims of Group I (*i.e.*, Claims 1-17 and 19-21).

Third, the Examiner rejected Claims 19-21 under 35 U.S.C. § 112, second paragraph, as being indefinite for including limitations that lack proper antecedent basis. See Office Action at p. 3. Because the Applicants have cancelled Claims 19-21, these rejections are moot, and should therefore be withdrawn.

Finally, the Examiner rejected Claims 1-3, 6-13, 16, 17 and 19-21 under 35 U.S.C. § 101 for being directed to non-statutory subject matter. Accordingly, Applicants have amended Claims 1 and 16 so that they are now directed toward statutory subject matter. Specifically, Claim 1 (as amended) provides “[a] method for expanding the capacity of a fixed digital field for **a model train control system**,” and Claim 16 (as

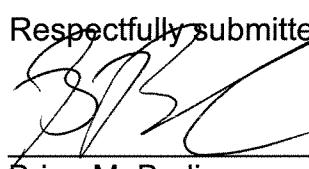
Serial No. 10/705,216
July 2, 2008
Page 9

amended) provides “[a]n apparatus in **a model train control system** for receiving a digital field.” Because the Examiner found that Claim 14, which is directed toward “[a] method for expanding the capacity of a fixed digital command field for **a model train control system**,” is directed toward statutory subject matter, the rejections of independent Claims 1 and 16 should be withdrawn. Further, the rejections of Claims 2, 3, 6-13, 16 and 17, which depend from the aforementioned independent claims, should also be withdrawn.

In view of the foregoing, the Applicants respectfully submit that Claims 1-17 are in condition for allowance. Reconsideration and withdrawal of the rejections is respectfully requested, and a timely Notice of Allowability is solicited. To the extent it would be helpful to placing this application in condition for allowance, the Applicants encourage the Examiner to contact the undersigned counsel and conduct a telephonic interview.

To the extent necessary, Applicants petition the Commissioner for a one-month extension of time, extending to July 28, 2008 (the first business day following July 26, 2008), the period for response to the Office Action dated March 26, 2008. The Commissioner is authorized to charge \$60 for the one-month extension of time, pursuant to 37 C.F.R. § 1.17(a)(1), and any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0639.

Respectfully submitted,



Brian M. Berliner
Attorney for Applicants
Registration No. 34,549

Date: July 2, 2008

O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles, CA 90071-2899
Telephone: (213) 430-6000